**Yee &
Associates, P.C.**

4100 Alpha Road
Suite 1100
Dallas, Texas 75244

Main No. (972) 385-8777
Facsimile (972) 385-7766

Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Jonathan D. Schlaifer Group Art Unit 2178	Facsimile No.: **571/273-8300**
From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: **43**

Message:

Enclosed herewith is a resubmission of the following because the PTO facsimile confirmation was not received:

- Our facsimile confirmation with filing date of Monday, September 19, 2005;
- Facsimile Cover Sheet filed Monday, September 19, 2005;
- Transmittal Document filed Monday, September 19, 2005; and
- Appeal Brief filed Monday, September 19, 2005.

Re: Application No. 09/826,664
    Attorney Docket No: AUS920000850US1

Date: Tuesday, September 20, 2005

Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.

This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.

PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY FAXING A CONFIRMATION TO 972-385-7766.

hp LaserJet 3015

YEE & ASSOCIATES, P.C.
(972) 385-7766
Sep-19-2005   1:58PM

Fax Call Report

Job	Date	Time	Type	Identification	Duration	Pages	Result
575	9/19/2005	1:48:42PM	Send	915712738300	9:40	41	OK

RECEIVED
CENTRAL FAX CENTER

SEP 2 0 2005

Yee &
Associates, P.C.

4100 Alpha Road
Suite 1100
Dallas, Texas 75244

Main No. (972) 385-8777
Facsimile (972) 385-7766

Facsimile Cover Sheet

To: Commissioner for Patents for **Examiner Jonathan D. Schlaifer** **Group Art Unit 2178**	Facsimile No.: **571/273-8300**
From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 41

Message:

Enclosed herewith:

- Transmittal Document; and
- Appeal Brief.

Re: Application No. 09/826,664 Attorney Docket No: AUS920000850US1
Date: Monday, September 19, 2005

| **Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.** | *This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.* |

PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION BY FAXING A CONFIRMATION TO 972-385-7766.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE   SEP 2 0 2005

In re application of: Schroeder	§	Group Art Unit: 2178
	§	
Serial No.: 09/826,664	§	Examiner: Schlaifer, Jonathan D.
	§	
Filed: April 5, 2001	§	Attorney Docket No.: AUS920000850US1

For: Method, Apparatus, and
Program for Creating Bookmark
Symlinks

35525
PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

Certificate of Transmission Under 37 C.F.R. § 1.8(a)
I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-8300 on September 19, 2005.

By: _Michele Morrow_
    Michele Morrow

TRANSMITTAL DOCUMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:
ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Francis Lammes
Francis Lammes
Registration No. 55,353
Agent for Applicant

Duke W. Yee
Registration No. 34,285
Attorney for Applicant

YEE & ASSOCIATES, P.C.
P.O. Box 802333
Dallas, Texas 75380
(972) 385-8777

RECEIVED
CENTRAL FAX CENTER

SEP 2 0 2005

Docket No. AUS920000850US1   *PATENT*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schroeder	§
	§ Group Art Unit: 2178
Serial No. 09/826,664	§
	§ Examiner: Schlaifer, Jonathan D.
Filed: April 5, 2001	§
	§
For: Method, Apparatus, and Program	§
for Creating Bookmark Symlinks	§

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on July 21, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

(Appeal Brief Page 1 of 39)
Schroeder – 09/826,664

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

       With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A.   TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-49.

B.   STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE.
2. Claims withdrawn from consideration but not canceled: NONE.
3. Claims pending: 1-49.
4. Claims allowed: NONE.
5. Claims rejected: 1-49.
6. Claims objected to: 1-49.

C.   CLAIMS ON APPEAL

The claims on appeal are: 1-49.

STATUS OF AMENDMENTS

There are no amendments after the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1, 30, and 47:

The present invention provides a method in a data processing system for creating symbolic links to bookmarks. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a new bookmark for a document. (Specification, page 13, lines 16-17) The present invention determines whether a reference bookmark already exists for the document in response to receiving the request. (Specification, page 13, lines 17-18) The present invention creates a symbolic link if the reference bookmark for the document already exists. (Specification, page 13, lines 20-25) The present invention links the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 30, as well as dependent claims 31-35, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and bookmark display area 414 of **Figure 4** performing the steps described in the specification at page 13, line 3 to page 14, line 25, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 47 given **Figure 6** and the corresponding description at page 13, line 3 to page 14, line 25, without undue experimentation.

Independent claims 9, 36, and 48:

The present invention provides a method in a data processing system for creating symbolic links to bookmarks. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a symbolic link for a document to an already existing reference bookmark. (Specification, page 13, lines 14-15) The present invention identifies the already existing reference bookmark in response to receiving the request. (Specification, page 13, lines 26-28) The present invention creates the symbolic link to the already existing bookmark.

(Specification, page 13, line 30) The present invention links the symbolic link to the already existing reference bookmark. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 36, as well as dependent claims 37-40, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and bookmark display area 414 of **Figure** 4 performing the steps described in the specification at page 13, line 3 to page 14, line 25, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 48 given **Figure** 6 and the corresponding description at page 13, line 3 to page 14, line 25, without undue experimentation.

Independent claims 21, 41, and 49:

The present invention provides a method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder. (Specification, page 9, line 24, to page 11, line 5) The present invention receives a request to create a symbolic folder link to an already existing reference bookmark folder. (Specification, page 13, lines 14-15) The present invention identifies the already existing reference bookmark folder in response to receiving the request. (Specification, page 13, lines 29-30) The present invention creates the symbolic folder link to the already existing bookmark folder. (Specification, page 13, line 30) The present invention links the symbolic folder link to the already existing reference bookmark folder. (Specification, page 12, line 27, to page 13, line 2)

The apparatus recited in claim 41, as well as dependent claims 42-46, may be an apparatus comprised of bookmark editor window 400, title bar 402, menu bar 412, and bookmark display area 414 of **Figure** 4 performing the steps described in the specification at page 13, line 3 to page 14, line 25, or equivalent. A person having ordinary skill in the art would be able to derive computer instructions on a computer readable medium as recited in claim 48 given **Figure** 6 and the corresponding description at page 13, line 3 to page 14, line 25, without undue experimentation.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION (Claims 1, 9, 10, 30, 36, 37, 47, and 48)

Claims 1, 9, 10, 30, 36, 37, 47, and 48 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1) and further in view of Murphy et al. (U.S. Patent No. 6,096,096).

B. GROUND OF REJECTION (Claims 2, 3, 5, 15, 16, and 32)

Claims 2, 3, 5, 15, 16, and 32 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Bauersfeld (U.S. Patent No. 5,917,491).

C. GROUND OF REJECTION (Claims 4, 20, and 31)

Claims 4, 20, and 31 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Reiter (U.S. Patent No. 5,642,503).

D. GROUND OF REJECTION (Claims 6, 17, and 33)

Claims 6, 17, and 33 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Bauersfeld (U.S. Patent No. 5,917,491) and further in view of Himmel et al. (U.S. Patent No. 6,037,934).

(Appeal Brief Page 8 of 39)
Schroeder – 09/826,664

PAGE 12/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

E.   GROUND OF REJECTION (Claims 7, 8, 34, and 35)

Claims 7, 8, 34, and 35 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Isreal et al. (U.S. Patent No. 6,330,007 B1).

F.   GROUND OF REJECTION (Claims 11-14 and 38-40)

Claims 11-14 and 38-40 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Crandall et al. (U.S. Patent No. 6,321,228 B1).

G.   GROUND OF REJECTION (Claims 18 and 19)

Claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Isreal et al. (U.S. Patent No. 6,330,007 B1), and further in view of Bauersfeld (U.S. Patent No. 5,917,491).

H.   GROUND OF REJECTION (Claims 21, 22, 41, 42, and 49)

Claims 21, 22, 41, 42, and 49 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Khan et al. (U.S. Patent No. 6,427,175 B1).

I.   GROUND OF REJECTION (Claims 23-26 and 43-46)

Claims 23-26 and 43-46 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al.

(U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1), and further in view of Crandall et al. (U.S. Patent No. 6,321,228 B1).

J. GROUND OF REJECTION (Claims 27 and 28)

Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1) and further in view of Bauersfeld (U.S. Patent No. 5,917,491).

K. GROUND OF REJECTION (Claim 29)

Claim 29 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1), and further in view of Reiter (U.S. Patent No. 5,642,503).

(Appeal Brief Page 10 of 39)
Schroeder – 09/826,664

PAGE 14/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

ARGUMENT

A.   **35 U.S.C. § 103, Alleged Obviousness, Claims 1, 9, 10, 30, 36, 37, 47, and 48**

The Office Action rejects claims 1, 9, 10, 30, 36, 37, 47, and 48 under 35 U.S.C. § 102(e) as being allegedly obviousness by Khan et al. (U.S. Patent No. 6,460,038 B1) and further in view of Murphy et al. (U.S. Patent No. 6,096,096). This rejection is respectfully traversed.

As to independent claims 1, 30, and 47, the Office Action states:

> **Regarding Independent claim 1**, Khan '038 discloses a method in a data processing system for creating bookmarks (in col. 18, lines 15-65, the invention creates bookmarks), comprising: receiving a request to create a new bookmark for a document (in order to create a bookmark it is inherently necessary that a creation request is received); determining whether a reference bookmark already exists for the document (in step (e) of the claim, a bookmark is accessed remotely); if a the reference bookmark already exists, creating a bookmark link(since the reference bookmark is accessed remotely, it is necessary to create a link to it); and linking the bookmark link to the reference bookmark (linking the bookmark link is a necessary part of creating the bookmark link). Khan does not disclose the use of symbolic links in place of bookmark links and that a new bookmark is not created. However, Murphy discloses the user of symbolic links in order to facilitate access to data components in col. 9, lines 10-55. It would have been obvious to one of ordinary skill in the are at the time of the invention to use symbolic links as in Murphy in combination with Khan '038 in order to facilitate access to data components.

Office Action dated June 21, 2005, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 30 and 47 with respect to similarly recited subject matter, reads as follows:

> 1.   A method in a data processing system for creating symbolic links to bookmarks, comprising:
>   receiving a request to create a new bookmark for a document;
>   in response to receiving the request, determining whether a reference bookmark already exists for the document;
>   if the reference bookmark for the document already exists, creating a symbolic link; and
>   linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

Khan '038 and Murphy, either alone or in combination, do not teach or suggest in response to receiving the request, determining whether a reference bookmark already exists for the document; if the reference bookmark for the document already exists, creating a symbolic link; and linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

Khan '038 is directed to a system for programming an Internet browser bookmark for delivering information to a user. In the Khan system a bookmark is created for forming a link to a web site to access the linked web site upon selection of the bookmark. In contradistinction, the presently claimed invention receives a request to create a new bookmark for a document, determines whether a reference bookmark already exists for the document for which the request to create the new bookmark is received and if the reference bookmark for the document already exists, creates a bookmark link which links the bookmark link to the already existing reference bookmark.

Nowhere, in any section, of Khan '038 is it taught or suggested to, in response to receiving a request to create a new bookmark, determine whether a reference bookmark already exists for the document. The Office Action alleges that this feature is taught at column 18, lines 15-65, which reads as follows:

21. A method for programming a network browser bookmark for delivering information to a user, comprising:
    (a) receiving a user command to create a bookmark to a site;
    (b) creating a bookmark for forming a link to a site to access the linked site upon selection of the bookmark;
    (c) storing the bookmark on a remote network server;
    (d) storing a local bookmark on a client computer of a user;
    (e) calling the bookmark stored on the remote network server upon detecting user selection of the local bookmark;
    (f) selecting at least one of a plurality of features for the created bookmark relating to the linked site;
    (g) receiving user input for tailoring the features;
    (h) storing the selected features of the created bookmark;.
    (i) initiating the crated (sic) bookmark;
    (j) executing the selected features of the created bookmark;
    (k) displaying the created bookmark;
    (l) displaying output generated from the execution of the selected features of the created bookmark;
    (m) wherein the features available for selection for the created bookmark include:

(Appeal Brief Page 12 of 39)
Schroeder – 09/826,664

PAGE 16/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

i. a property storing feature;

ii. an event triggering feature;

iii. an information communicating feature;

iv. an alarm feature, wherein the step of executing the selected features further comprises the steps of setting a date and time; and generating a notification at the set date and time for reminding the user to access the biked (sic) site;

v. a pushed update feature and wherein the step of executing the selected features further comprises the steps of: selecting a periodic interval for receiving updates; and arranging with the linked site for the transmitting of updates at the periodic interval;

vi. a pulled update feature comprising the steps of: selecting at least one keyword, periodically monitoring the linked site for the presence of the selected keyword; and generating a notification upon the detection of the selected keyword in the linked site;

vii. a content change detecting feature comprising the steps of: monitoring content of the linked site for changes in the content; and generating a notification upon the detection of a change in the content

viii. a content delivery feature comprising the steps of: extracting content from the linked site, and generating output which includes the extracted content; and

ix. a service delivery feature comprising the steps of: extracting sales information from the inked (sic) site; and generating output which includes the extracted sales information.

In this section, Khan '038 merely describes the creation of a bookmark where a command is received to create a bookmark to a website, a bookmark is created forming a link to the website which will be accessed upon selection of the bookmark, storing the bookmark on a remote network server, storing a local bookmark on a client computer, and calling the bookmark stored on the remote network server upon detecting user selection of the local bookmark. The presently claimed invention determines whether a reference bookmark already exists for the document in response to receiving a request to create a new bookmark. Khan '038 does not provide for a determination of whether a bookmark already exists, but, rather, merely creates a new bookmark. Thus, the Khan '038 user may simply have multiple bookmarks referencing the same website.

In response to Appellant's arguments, the Office Action dated June 21, 2005, states:

Applicant's argument for claim 1, that Khan '038 does not teach whether a reference bookmark already exists is, in the opinion of the Examiner, fallacious. Khan teaches manipulation of a reference bookmark; it would be impossible to do this without determining whether it already exists, which is an inherent step.

(Appeal Brief Page 13 of 39)
Schroeder – 09/826,664

Appellant respectfully submits that the presently claimed invention determines whether a reference bookmark already exists for the document **in response to receiving a request to create a new bookmark.** While the Office Action's allegation that it would be impossible to manipulate a reference bookmark without determining whether the bookmark already exists, is not performed **in response to receiving a request to create a new bookmark,** but is performed in response to a request to manipulate a previously created reference bookmark.

Additionally, Khan '038 does not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and links the symbolic link to the already existing reference bookmark. The Office Action acknowledges that Khan does not teach or suggest these features; however, the Office Action alleges that these features are taught by Murphy at column 9, lines 10-55, which reads as follows:

> If, at step 304, libmcd 204 determines that the end-user selected information is not on any of the plurality of compact discs containing the present Web site information, the present invention proceeds to step 312. At step 312, the present invention returns the fstat information from the operating system 208 of the present invention. If the desired information is not available via operating system 208, or otherwise available to the end-user, the Web server 202 returns a "file not found", "URL not located", or similar message, to the end-user via browser 200.
>
> Virtual Document Root Design
>
> In the present invention, the virtual document root is fundamentally composed of a symbolic link (symlink) to any one of the mounted compact discs in order to provide access to the common files. A symlink is said to be "dangling" when the symlink points to information which is not presently available. Once the symlink points to information which is presently available, the symlink is said to be static. In the present invention, a dangling symlink occurs when the symlink points to Web site information residing on a compact disc which is not currently mounted. Additionally, the virtual document root of the present invention is further comprised of a toolbox directory composed of symlinks to files and directories on the compact discs. These symlinks are static links which are created when the portable, off-line, Web site is created during the installation of the present invention. In the present embodiment, installation of the present invention occurs when the end-user starts the browsing process which first causes the Web server 202 to be initiated, followed by the initiation of the Web Browser 200. That is, the installation of the present invention happens in the background and is, thus, hidden from the end-user. As a result, the present invention appears to the end-user to emulate accessing a Web site using a standard on-line connection.
>
> In a Web site having, for example, 24 thousand files, it could take tens of minutes and hundreds of megabytes of disk space to build a complete file-by-file linked tree. Such requirements are prohibitively burdensome to be used in the

present embodiment of the present invention. Thus, the present invention employs a different method to build directories and subdirectories of the Web site information stored of the plurality of compact discs. In the present invention, there are large "chunks of data" collectively located on a particular compact disc (e.g. all of a directory and its subdirectories). The present invention creates a single symbolic link to the top directory of these "chunks". Any files above a chunk are linked on a file-by-file basis. For instance, any files in the parent directories of a chunk directory are linked on a file-by-file basis.

(Column 9, lines 5-55)

In this section, Murphy describes a symbolic link (symlink) that is an access link to a file residing on any one of the **mounted compact discs**. The symlink may be dangling or static. A dangling symlink points to information which is not presently available **on a compact disc which is not currently mounted**. A static symlink points to information that is presently available **on a compact disc that is currently mounted**. Thus, Murphy teaches a method of creating symbolic links to information on mounted compact discs. Murphy does not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and linking the symbolic link **to the already existing reference bookmark**, wherein a new bookmark is not created.

Appellant respectfully submits that the Murphy reference is inappropriately applied to the presently claimed invention. The present invention is directed to creating symbolic links to bookmarks. The Murphy reference is directed to emulating on-line accessing of information in an off-line environment. Other than the Murphy reference merely mentioning the term "symbolic link," the Murphy reference is not directed to solving the same problem as the presently claimed invention.

Independent claims 9, 36 and 48 recite similar features to that of independent claims 1, 30 and 47. That is, independent claim 9, which is representative of the other rejected independent claims 36 and 48 with respect to similarly recited subject matter, recites "receiving a request to create a symbolic link for a document to an already existing reference bookmark, identifying the already existing reference bookmark in response to receiving the request, creating the symbolic link to the already existing bookmark; and **linking the symbolic link to the already existing reference bookmark**." (emphasis added)

Moreover, neither of the references teaches or suggests the desirability of incorporating the subject matter of the other reference. The Final Office Action alleges that the motivation

would be to facilitate access to data components. However, as discussed, Khan '038 merely manipulates a newly created bookmark and Murphy merely creates a symbolic link to files on mounted compact discs. Neither of the reference teaches or suggests **in response to receiving a request to create a new bookmark for a document**, determining whether a reference bookmark already exists for the document, creating a symbolic link if the reference bookmark for the document already exists, and **linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.** Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Appellant's claimed invention thereby constituting impermissible hindsight reconstruction using Appellant's own disclosure as a guide.

One of ordinary skill in the art, being presented only with Khan '038 and Murphy, and without having a prior knowledge of Appellant's claimed invention, would not have found it obvious to combine and modify Khan '038 and Murphy to arrive at Appellant's claimed invention. To the contrary, even if one were somehow motivated to combine Khan '038 and Murphy, and it were somehow possible to combine the systems, the result would not be the invention, as recited in claim 1. The resulting system still would not determine whether a reference bookmark already exists for the document **in response to receiving a request to create a new bookmark for a document**, creating a symbolic link if the reference bookmark for the document already exists, and **linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.**

In view of the above, Appellant respectfully submits that the Khan '038 and Murphy, taken alone or in combination, fail to teach or suggest the features of claims 1, 9, 30, 36, 47, and 48. At least by virtue of their dependency on claims 9 and 36, the features of dependent claims 10 and 37 are not taught or suggested in the Khan '038 and Murphy, whether taken individually or in combination. Accordingly, Appellant respectfully requests that the rejection of claims 1, 9, 10, 30, 36, 37, 47, and 48 under 35 U.S.C. § 103(a) not be sustained.

B.   35 U.S.C. § 103, Alleged Obviousness, Claims 2, 3, 5, 15, 16, and 32

The Office Action rejects claims 2, 3, 5, 15, 16, and 32 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Bauersfeld (U.S. Patent No. 5,917,491). This rejection is respectfully traversed. ·

Claims 2, 3, 5, 15, 16 and 32 are dependent on independent claims 1, 9, and 30 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 1, 9, and 30. Moreover, Bauersfeld does not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, and Bauersfeld would not be sufficient to reject independent claims 1, 9, and 30 or claims 2, 3, 5, 15, 16, and 32 by virtue of their dependency.

Additionally, with regard to claim 16, Khan '038, Murphy, and Bauersfeld, taken alone or in combination, fail to teach or suggest **in response to receiving a request to create a new bookmark for a document,** determining whether a reference bookmark already exists for the document, creating a symbolic link if the reference bookmark for the document already exists, **and linking the symbolic link to the already existing reference bookmark,** wherein a new bookmark is not created. As discussed above, Khan '038 does not provide for a determination of whether a bookmark already exists **in response to receiving a request to create a new bookmark for a document,** but, rather, would merely create a new bookmark. Thus, the Khan '038 user would have the capability of creating multiple bookmarks referencing the same website. Murphy and Bauersfeld are not relied upon as teaching this feature; however, Bauersfeld provides a page proxy for managing representations of page information and does not determine whether a bookmark already exists for the document.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Appellant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Khan '038, Murphy, and Bauersfeld cannot be properly combined to form the claimed invention. As a result, absent

(Appeal Brief Page 17 of 39)
Schroeder – 09/826,664

PAGE 21/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Appellant's disclosure as a model for the needed changes.

In view of the above, Khan '038, Murphy, and Bauersfeld, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 9, and 30, from which claims 2, 3, 5, 15, 16, and 32 depend. Accordingly, Appellant respectfully requests that the rejection of claims 2, 3, 5, 15, 16, and 32 under 35 U.S.C. § 103(a) not be sustained.

C.   35 U.S.C. § 103, Alleged Obviousness, Claims 4, 20, and 31

The Office Action rejects claims 4, 20, and 31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Reiter (U.S. Patent No. 5,642,503). This rejection is respectfully traversed.

Claims 4, 20, and 31 are dependent on independent claims 1, 9, and 30 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 1, 9, and 30. Moreover, Reiter does not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, and Reiter would not be sufficient to reject independent claims 1, 9, and 30 or claims 4, 20, and 31 by virtue of their dependency.

Additionally, with regard to claims 4, 20, and 31, Khan '038, Murphy, and Reiter, taken alone or in combination, fails to teach or suggest wherein the step of linking the symbolic link to the already existing reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link. The Office Action alleges that Reiter teaches this feature at column 3, line 65, to column 4, line 20, which reads as follows:

> FIG. 3 is a block diagram of an entry 301 in the version store 105. The entry 301 comprises an address field 302, a user identification field 303, a commit time field 304, a forward link field 305, a backward link field 306, and a data field 307. The address field 302 contains the location of a corresponding record in the database 106. Preferably, the location of any record is represented by a page identifier and an offset to indicate the location of the record on the page. The user

(Appeal Brief Page 18 of 39)
Schroeder – 09/826,664

PAGE 22/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

identification field 303 indicates which user caused the version to be created. The commit time field 304 indicates when the entry was committed. A user may undo or roll back an entry at any point in time before commit time. The forward link field 305 and the backward link field 306 contain pointers to other entries (i.e. versions) for the same record. The forward link field 305 contains a pointer to the next older entry (according to commit time) and the backward link field 306 contains a pointer to the next youngest entry (according to commit time). This linked list of entries in the version store 105 is referred to as a version chain. The data field 306 contains a copy of the record before begin time of the modification transaction.

In this section Reiter merely describes an entry in a version store that provides a forward link and a backward link that allows a user to undo or roll back an entry at any point in time before commit time. Thus, the user may go back to previous versions of a document or forward to the next older version until the user commits to a version. While Reiter may provide for the linking of different versions of a document, Reiter does not teach or suggest linking the symbolic link to the **already existing** reference bookmark which comprises storing a pointer to the **already existing** reference bookmark in the symbolic link.

In view of the above, Khan '038, Murphy, and Reiter, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 9, and 30, from which claims 4, 20, and 31 depend. Accordingly, Appellant respectfully requests that the rejection of claims 4, 20, and 31 under 35 U.S.C. § 103(a) not be sustained.

D.   35 U.S.C. § 103, Alleged Obviousness, Claims 6, 17, and 33

The Office Action rejects claims 6, 17, and 33 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Bauersfeld (U.S. Patent No. 5,917,491) and further in view of Himmel et al. (U.S. Patent No. 6,037,934). This rejection is respectfully traversed.

Claims 6, 17, and 33 are dependent on independent claims 1 and 30 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 1 and 30. Moreover, Bauersfeld and Himmel do not provide for the deficiencies of

(Appeal Brief Page 19 of 39)
Schroeder – 09/826,664

PAGE 23/43 * RCVD AT 9/20/2005 12:20:11 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:972 385 7766 * DURATION (mm-ss):09-50

Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, Bauersfeld, and Himmel would not be sufficient to reject independent claims 1 and 30 or claims 6, 17, and 33 by virtue of their dependency.

In view of the above, Khan '038, Murphy, Bauersfeld, and Himmel, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 30, from which claims 6, 17, and 33 depend. Accordingly, Appellant respectfully requests that the rejection of claims 6, 17, and 33 under 35 U.S.C. § 103(a) not be sustained.

E.   35 U.S.C. § 103, Alleged Obviousness, Claims 7, 8, 34, and 35

The Office Action rejects claims 7, 8, 34, and 35 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Isreal et al. (U.S. Patent No. 6,330,007 B1). This rejection is respectfully traversed.

Claims 7, 8, 34, and 35 are dependent on independent claims 1 and 30 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 1 and 30. Moreover, Isreal does not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, and Isreal would not be sufficient to reject independent claims 1 and 30 or claims 7, 8, 34, and 35 by virtue of their dependency.

Additionally, with regard to claims 7, 8, 34, and 35, Khan '038 and Isreal, taken alone or in combination, fail to teach or suggest if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link. The Office Action alleges that Isreal teaches this feature at column 12, lines 30-45, which reads as follows:

> A Screen List 1050 lists the screens in the database and allows selection. Double-clicking a screen selects it and performs the OK-button function. The resizable-column widths are saved in the initialization file 390. Selecting a Find Button 1040 opens the Find Dialog Box 1100 (FIG. 11), which allows the user to search for a screen by screen ID, screen name, title, prompt or message. If this dialog box was accessed from the user screen 700, selecting the OK button closes this dialog box and displays the selected screen. If this dialog box 1100 was

accessed from a Go To button on the Receipt & Status Area, Dynakeys, or Static Keys tabs in the Screen Design Dialog Box 1000, selecting the OK button closes this dialog box and displays the selected screen ID in the Go To field.

If a new screen ID has been entered, selecting the OK button results in a search of the screen list to determine whether the entered screen ID is in fact new. If a match is found (the entered screen ID is not new), a message box opens, explaining that the screen already exists and prompting whether to display it or have the pick-list item, Dynakey, or static key navigate to it. If a match is not found (the entered screen ID is new), opens a prompt box asking whether the user would like to create the screen. If the response is Yes, opens a Create Screen Dialog Box 1200.

Selecting a Cancel Button closes the dialog box without performing any actions. A Find Dialog Box 1100 is depicted in FIG. 11 which allows the user to search the screen list in the Screen Selection Dialog Box 1000 for a screen ID screen name, title, prompt or message. The Find Dialog Box 1100 opens when the Find button is selected in the Screen Selection Dialog Box 1000.

In this section Isreal merely describes that if a user enters a new screen ID, then a search of a current screen list is made to determine if the screen ID is in fact new. Nowhere in this section, or any other section of Isreal, is it taught or suggested to determine whether a reference bookmark already exists for the document for which the request to create the new bookmark is received. Khan '038, Murphy, and Isreal fail to create a bookmark link which is linked to an already existing reference bookmark. Thus, none of the cited references would need to determine whether a reference bookmark already exists for the document for which the request to create the new bookmark is received and if the reference bookmark for the document already exists, to prompt a user whether to create the symbolic link, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link.

In view of the above, Khan '038, Murphy, and Isreal, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 30, from which claims 7, 8, 34, and 35 depend. Accordingly, Appellant respectfully requests that the rejection of claims 7, 8, 34, and 35 under 35 U.S.C. § 103(a) not be sustained.

F.   **35 U.S.C. § 103, Alleged Obviousness, Claims 11-14 and 38-40**

The Office Action rejects claims 11-14 and 38-40 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Crandall et al. (U.S. Patent No. 6,321,228 B1). This rejection is respectfully traversed.

Claims 11-14 and 38-40 are dependent on independent claims 9 and 36 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 9 and 36. Moreover, Crandall does not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, and Crandall would not be sufficient to reject independent claims 9 and 36 or claims 11-14 and 38-40 by virtue of their dependency.

In view of the above, Khan '038, Murphy, and Crandall, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 9 and 36, from which claims 11-14 and 38-40 depend. Accordingly, Appellant respectfully requests that the rejection of claims 11-14 and 38-40 under 35 U.S.C. § 103(a) not be sustained.

G.   **35 U.S.C. § 103, Alleged Obviousness, Claims 18 and 19**

The Office Action rejects claims 18 and 19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Isreal et al. (U.S. Patent No. 6,330,007 B1) and further in view of Bauersfeld (U.S. Patent No. 5,917,491). This rejection is respectfully traversed.

Claims 18 and 19 are dependent on independent claim 9 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claim 9. Moreover, Bauersfeld and Isreal do not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, Bauersfeld, and Isreal would not be sufficient to reject independent claim 9 or claims 18 and 19 by virtue of their dependency. Additionally, the Office Action rejects claims 18 and 19 under similar rationale with respect to

claims 7, 8, and 16. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 7, 8, and 16 above.

In view of the above, Khan '038, Murphy, Bauersfeld, and Isreal, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 9, from which claims 18 and 19 depend. Accordingly, Appellant respectfully requests that the rejection of claims 18 and 19 under 35 U.S.C. § 103(a) not be sustained.

H.   35 U.S.C. § 103, Alleged Obviousness, Claims 21, 22, 41, 42, and 49

The Office Action rejects claims 21, 22, 41, 42, and 49 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), and further in view of Khan et al. (U.S. Patent No. 6,427,175 B1). This rejection is respectfully traversed.

As to independent claims 21, 41, and 49, the Office Action states:

> **Regarding independent claim 21**, the claim is analogous to claim 1 except that instead of bookmarks, bookmark folders are manipulated. However, Khan '175 discloses the use of bookmark folders as organizational tools for bookmarks in lines 1-20 of the Abstract. It would have been obvious to one of ordinary skill in the art at the time of the invention to use bookmark folders in the context of Khan '038 in the manner of Khan '175 in order to take advantage of bookmark folders' applicant as organizational tools for bookmarks.

Office Action dated June 21, 2005, page 10.

Claim 21, which is representative of the other rejected independent claims 41 and 49 with respect to similarly recited subject matter, reads as follows:

> 21.   A method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:
>   receiving a request to create a symbolic folder link to an already existing reference bookmark folder;
>   in response to receiving the request, identifying the already existing reference bookmark folder;
>   creating the symbolic folder link to the already existing bookmark folder; and
>   linking the symbolic folder link to the already existing reference bookmark folder.

Appellant respectfully submits that Khan '038, Murphy, and Khan '175, taken alone or in combination, fail to teach or suggest **in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder,** identifying the already existing reference bookmark folder, creating the symbolic folder link to the already existing bookmark folder, and **linking the symbolic folder link to the already existing reference bookmark folder.**

The Office Action rejects claims 21, 41, and 49 under similar rationale with respect to claims 1, 30 and 47. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 1, 30, and 47 above. That is, Khan '038 is merely describing the creation of a bookmark where a command is received to create a bookmark to a website, a bookmark is created forming a link to the website which will be accessed upon selection of the bookmark, storing the bookmark on a remote network server, storing a local bookmark on a client computer, and calling the bookmark stored on the remote network server upon detecting user selection of the local bookmark. Khan '038 does not teach identifying the already existing reference bookmark folder **in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder.**

Although the Office Action acknowledges with respect to claims 1, 30, and 47 that Khan does not teach or suggest creating a symbolic link if the reference bookmark for the document already exists and links the symbolic link to the already existing reference bookmark, the same acknowledgement is not made with respect to claims 21, 41, and 49. Additionally, although Murphy is included in the general rejection, any specific section of Murphy reference is not applied in the rejection. (See page 10 of the Office Action dated June 21, 2005) Nonetheless, Murphy teaches a method of creating symbolic links to information on mounted compact discs. Murphy does not teach or suggest creating the symbolic folder link to the already existing bookmark folder, and **linking the symbolic folder link to the already existing reference bookmark folder.** The presently claimed invention identifies the already existing reference bookmark folder in response to receiving the request to create a symbolic folder link to an already existing reference bookmark folder, creates the symbolic folder link to the already existing bookmark folder and links the symbolic folder link to the already existing reference bookmark folder. Khan '038 and Khan '175 do not provide for identifying if a reference

bookmark folder already exists, but, rather, would merely create a new bookmark folder. Thus, the Khan '038 and Khan '175 user would have the capability of having multiple bookmarks folders. Murphy merely creates symbolic links to files on mounted compact discs.

Thus, Khan '038, Murphy, and Khan '175, taken alone or in combination, do not teach or suggest the features of independent claims 21, 41, and 49 as is required under 35 U.S.C. § 103(a). At least by virtue of their dependency on independent claims 21 and 41, the specific features of dependent claims 22 and 42 are not taught by Khan '038, Murphy, and Khan '175, either alone or in combination. Accordingly, Appellant respectfully requests that the rejection of claims 21, 22, 41, 42, and 49 under 35 U.S.C. § 103(a) not be sustained.

I.   35 U.S.C. § 103, Alleged Obviousness, Claims 23-26 and 43-46

The Office Action rejects claims 23-26 and 43-46 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1) and further in view of Crandall et al. (U.S. Patent No. 6,321,228 B1). This rejection is respectfully traversed.

Claims 23-26 and 43-46 are dependent on independent claims 21 and 41 and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claims 21 and 41. Moreover, Khan '175 and Crandall do not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, Khan '175, and Crandall would not be sufficient to reject independent claims 21 and 41 or claims 23-26 and 43-46 by virtue of their dependency. Additionally, the Office Action rejects claims 18 and 19 under similar rationale with respect to claims 10-14. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 10-14 above.

In view of the above, Khan '038, Murphy, Khan '175, and Crandall, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 21 and 41, from which claims 23-26 and 43-46 depend. Accordingly, Appellant respectfully requests that the rejection of claims 23-26 and 43-46 under 35 U.S.C. § 103(a) not be sustained.

J.   **35 U.S.C. § 103, Alleged Obviousness, Claims 27 and 28**

The Office Action rejects claims 27 and 28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1) and further in view of Bauersfeld (U.S. Patent No. 5,917,491). This rejection is respectfully traversed.

Claims 27 and 28 are dependent on independent claim 21, and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regards to claim 21. Moreover, Khan '175 and Bauersfeld do not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, Khan '175, and Bauersfeld would not be sufficient to reject independent claim 21 or claims 27 and 28 by virtue of their dependency. Additionally, the Office Action rejects claims 27 and 28 under similar rationale with respect to claims 1-3. Thus, Appellant respectfully submits that these claims are sufficiently addressed with respect to claims 1-3 above.

In view of the above, Khan '038, Murphy, Khan '175, and Bauersfeld, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 21, from which claims 27 and 28 depend. Accordingly, Appellant respectfully requests that the rejection of claims 27 and 28 under 35 U.S.C. § 103(a) not be sustained.

K.   **35 U.S.C. § 103, Alleged Obviousness, Claim 29**

The Office Action rejects claim 29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Khan et al. (U.S. Patent No. 6,460,038 B1), further in view of Murphy et al. (U.S. Patent No. 6,096,096), further in view of Khan et al. (U.S. Patent No. 6,427,175 B1) and further in view of Reiter (U.S. Patent No. 5,642,503). This rejection is respectfully traversed.
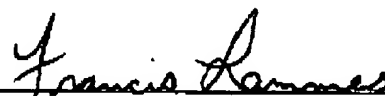
Claim 29 is dependent on independent claim 21, and, thus, these claims distinguish over Khan '038 and Murphy for at least the reasons noted above with regard to claim 21. Moreover, Khan '175 and Reiter do not provide for the deficiencies of Khan '038 and Murphy and, thus, any alleged combination of Khan '038, Murphy, Khan '175 and Reiter would not be sufficient to reject independent claim 21 or claim 29 by virtue of their dependency. Appellant respectfully

submits that claim 29 is similar to claim 4 and, thus, Appellant respectfully submits that this claim is sufficiently addressed with respect to claim 4 above.

In view of the above, Khan '038, Murphy, Khan '175 and Reiter, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claim 21, from which claim 29 depends. Accordingly, Appellant respectfully requests that the rejection of claim 29 under 35 U.S.C. § 103(a) not be sustained.

CONCLUSION

In view of the above, Appellant respectfully submits that claims 1-49 are allowable over the cited prior art and that the application is in condition for allowance. Accordingly, Appellant respectfully requests the Board of Patent Appeals and Interferences to not sustain the rejections set forth in the Final Office Action.

Francis Lammes
Reg. No. 55,353
YEE & ASSOCIATES, P.C.
PO Box 802333
Dallas, TX 75380
(972) 385-8777

CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1.   A method in a data processing system for creating symbolic links to bookmarks, comprising:

receiving a request to create a new bookmark for a document;

in response to receiving the request, determining whether a reference bookmark already exists for the document;

if the reference bookmark for the document already exists, creating a symbolic link; and

linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

2.   The method of claim 1, further comprising:

receiving a name for the symbolic link.

3.   The method of claim 1, further comprising:

receiving a description for the symbolic link.

4.   The method of claim 1, wherein the step of linking the symbolic link to the already existing reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link.

5. The method of claim 1, wherein each bookmark includes a uniform resource locator for the document.

6. The method of claim 5, wherein the step of determining whether a reference bookmark already exists for the document comprises comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.

7. The method of claim 1, further comprising:

if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link.

8. The method of claim 7, wherein the step of creating the symbolic link comprises creating the symbolic link in response to a user's request to create the symbolic link.

9. A method in a data processing system for creating symbolic links to bookmarks, comprising:

receiving a request to create a symbolic link for a document to an already existing reference bookmark;

in response to receiving the request, identifying the already existing reference bookmark;

creating the symbolic link to the already existing bookmark; and

linking the symbolic link to the already existing reference bookmark.

10. The method of claim 9, wherein the step of identifying the already existing reference bookmark comprises:

presenting at least one existing bookmark;

receiving a selection of a reference bookmark from the at least one existing bookmark;

11. The method of claim 10, wherein the step of presenting at least one existing bookmark comprises presenting the at least one existing bookmark in a tree structure.

12. The method of claim 11, wherein the step of receiving a selection of a reference bookmark comprises receiving the selection of the reference bookmark in the tree structure.

13. The method of claim 11, further comprising:

displaying a symbolic representation of the symbolic link in the tree structure.

14. The method of claim 13, wherein modifications to the reference bookmark are displayed in relation to the symbolic representation of the symbolic link in the tree structure.

15. The method of claim 9, wherein each bookmark includes a uniform resource locator for the document.

16. The method of claim 15, wherein the step of identifying a reference bookmark comprises:

determining whether a bookmark already exists for the document.

17.   The method of claim 16, wherein the step of determining whether a bookmark already exists for the document comprises comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.

18.   The method of claim 16, further comprising:

if the reference bookmark for the document already exists, prompting a user whether to create the symbolic link.

19.   The method of claim 18, wherein the step of creating the symbolic link comprises creating the bookmark link in response to the user's request to create the symbolic link.

20.   The method of claim 9, wherein the step of linking the symbolic link to the reference bookmark comprises storing a pointer to the already existing reference bookmark in the symbolic link.

21.   A method in a data processing system for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:

receiving a request to create a symbolic folder link to an already existing reference bookmark folder;

in response to receiving the request, identifying the already existing reference bookmark folder;

creating the symbolic folder link to the already existing bookmark folder; and

linking the symbolic folder link to the already existing reference bookmark folder.

22.   The method of claim 21, wherein the step of identifying the already existing reference bookmark folder comprises:

presenting at least one existing bookmark folder;

receiving a selection of a reference bookmark folder from the at least one existing bookmark folder;

23.   The method of claim 22, wherein the step of presenting at least one existing bookmark folder comprises presenting the at least one existing bookmark folder in a tree structure.

24.   The method of claim 23, wherein the step of receiving a selection of a reference bookmark folder comprises receiving the selection of the reference bookmark folder in the tree structure.

25.   The method of claim 23, further comprising:

displaying a symbolic representation of the symbolic folder link in the tree structure.

26.   The method of claim 25, wherein bookmarks added to the reference bookmark folder are displayed in relation to the symbolic representation of the symbolic folder link in the tree structure.

27.   The method of claim 21, further comprising:

receiving a name for the symbolic folder link.

(Appeal Brief Page 32 of 39)
Schroeder – 09/826,664

28.   The method of claim 21, further comprising:

    receiving a description for the symbolic folder link.

29.   The method of claim 21, wherein the step of linking the symbolic folder link to the already existing reference bookmark folder comprises storing a pointer to the reference bookmark folder in the symbolic folder link.

30.   An apparatus for creating symbolic links to bookmarks, comprising:

    at least one existing bookmark; and

    a bookmark editor that receives a request to create a new bookmark for a document, determines whether a reference bookmark already exists for the document within the at least one existing bookmark in response to receiving the request, creates a symbolic link if the reference bookmark for the document already exists, and links the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

31.   The apparatus of claim 30, wherein the bookmark editor links the symbolic link to the already existing reference bookmark by storing a pointer to the already existing reference bookmark in the symbolic link.

32.   The apparatus of claim 30, wherein each bookmark includes a uniform resource locator for the document.

33.   The apparatus of claim 32, wherein the bookmark editor determines whether a reference bookmark already exists for the document by comparing the uniform resource locator of the bookmark to the uniform resource locator of each existing bookmark.

34. The apparatus of claim 30, wherein the bookmark editor prompts a user whether to create the symbolic link if the reference bookmark for the document already exists.

35.   The apparatus of claim 34, wherein the bookmark editor creates the symbolic link in response to a user's request to create the symbolic link.

36.   An apparatus for creating a plurality of symbolic links to bookmarks from a single reference bookmark, comprising:

    at least one existing bookmark; and

    a bookmark editor that receives a request to create a symbolic link to an already existing reference bookmark, identifies the already existing reference bookmark within the at least one existing bookmark in response to receiving the request, creates the symbolic link to the already existing bookmark, and links the symbolic link to the already existing reference bookmark.

37.   The apparatus of claim 36, wherein the bookmark editor identifies the already existing reference bookmark by presenting the at least one existing bookmark and receiving a selection of the reference bookmark from the at least one existing bookmark.

38.   The apparatus of claim 37, wherein the bookmark editor presents the at least one existing bookmark in a tree structure.

39.   The apparatus of claim 38, wherein the bookmark editor receives the selection of the reference bookmark in the tree structure.

40.   The apparatus of claim 38, wherein the bookmark editor displays a symbolic representation of the symbolic link in the tree structure.

41.   An apparatus for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:

at least one existing bookmark folder; and

a bookmark editor that receives a request to create a symbolic folder link to an already existing reference bookmark folder, identifies the already existing reference bookmark folder within the at least one existing bookmark folder in response to receiving the request, creates the symbolic folder link to the already existing bookmark folder, and links the symbolic folder link to the already existing reference bookmark folder.

42.   The apparatus of claim 41, wherein the bookmark editor identifies the already existing reference bookmark folder by presenting the at least one existing bookmark folder and receiving a selection of the reference bookmark folder from the at least one existing bookmark folder.

43.   The apparatus of claim 42, wherein the bookmark editor presents the at least one existing bookmark folder in a tree structure.

44.   The apparatus of claim 43, wherein the bookmark editor receives the selection of the reference bookmark folder in the tree structure.

45.   The apparatus of claim 43, wherein the bookmark editor displays a symbolic representation of the symbolic folder link in the tree structure.

46.   The apparatus of claim 45, wherein bookmarks added to the reference bookmark folder are displayed in relation to the symbolic representation of the symbolic folder link in the tree structure.

47.   A computer program product, in a computer readable medium, for creating symbolic links to bookmarks, comprising:

    instructions for receiving a request to create a new bookmark for a document;

    in response to receiving the request, instructions for determining whether a reference bookmark already exists for the document;

    instructions for creating a symbolic link if the reference bookmark for the document already exists; and

    instructions for linking the symbolic link to the already existing reference bookmark, wherein a new bookmark is not created.

48.   A computer program product, in a computer readable medium, for creating symbolic links to bookmarks, comprising:

instructions for receiving a request to create a symbolic link for a document to an already existing reference bookmark;

in response to receiving the request, instructions for identifying the already existing reference bookmark;

instructions for creating the symbolic link to the already existing bookmark; and

instructions for linking the symbolic link to the already existing reference bookmark.

49.   A computer program product, in a computer readable medium, for creating a plurality of symbolic links to bookmark folders from a single reference bookmark folder, comprising:

instructions for receiving a request to create a symbolic folder link to an already existing reference bookmark folder;

in response to receiving the request, instructions for identifying the already existing reference bookmark folder;

instructions for creating the symbolic folder link to the already existing bookmark folder; and

instructions for linking the symbolic folder link to the already existing reference bookmark folder.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

\